

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MYRON BASS, ET AL.,)	
)	
Plaintiffs,)	
)	
VS.)	No. 13-2882-JDT-tmp
)	
TOM LEATHERWOOD, ET AL.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION TO
DISMISS CLAIMS OF PLAINTIFF MYRON BASS

Plaintiffs Myron Bass, Karen Mobley, and Lawrence Everett Reed, residents of Shelby County, Tennessee, filed a *pro se* civil complaint on November 12, 2013. (Docket Entry 1.) United States Magistrate Judge Tu M. Pham¹ subsequently set a scheduling conference for February 20, 2014. (D.E. 29.) At the conclusion of the conference, Magistrate Judge Pham issued an order directing Plaintiff Bass to show cause, in writing and no later than March 3, 2014, why his claims should not be dismissed for failure to prosecute. (D.E. 41.) Bass was warned that failure to respond could result in the dismissal of his claims. (Id. at 2.)

Plaintiff Bass did not respond to the order to show cause. Therefore, on April 3, 2014, Magistrate Judge Pham issued a Report and Recommendation (“R&R”) in which he

¹ In accordance with Administrative Order 2013-05, the assigned U.S. Magistrate Judge is responsible for case management and handling of all pretrial matters by determination or by report and recommendation, as appropriate.

recommended that Bass's claims be dismissed for failure to prosecute. (D.E. 58.) Objections to the R&R were due within 14 days, on or before April 21, 2014. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(a)(1), (d). However, Bass has filed no objections.

Magistrate Judge Pham noted in the R&R that Plaintiff Bass failed to attend the scheduling conference and that Plaintiffs Mobley and Reed stated they had not heard from him. Bass also did not participate with the other parties in the Rule 26(f) planning meeting. Furthermore, Bass did not sign either the Plaintiffs' pending motion for leave to file a second amended complaint (D.E. 31) or any of the three documents filed by Plaintiffs since the entry of the show cause order (D.E. 47, 48, & 51). The Magistrate Judge concluded that Plaintiff Bass's failure to prosecute was due to willfulness and bad faith and that Defendants have been prejudiced by that failure. Therefore, the Magistrate Judge has recommended that Bass's claims be dismissed with prejudice for failure to prosecute.

The Court agrees with the Magistrate Judge's conclusion that Plaintiff Bass apparently has abandoned any interest in this action. Therefore, the Court ADOPTS the Magistrate Judge's R&R. Plaintiff Bass's claims are hereby DISMISSED with prejudice for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE